

HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
TACOMA DIVISION

"AMY", "VICKY" and "ALICE",

Plaintiffs,

v.

DOUGLAS LANE PROBSTFELD,

Defendant.

NO. 3:15-cv-05434-BHS

DECLARATION OF CAROL L.  
HEPBURN IN SUPPORT OF  
MOTION FOR PREJUDGMENT  
WRITS OF ATTACHMENT  
NOTE ON MOTION CALENDAR:

DATE: OCTOBER 16, 2015

CAROL L. HEPBURN hereby declares the following to be true and correct  
under penalty of perjury of the laws of the State of Washington:

1. I represent the Plaintiffs "Vicky" and "Alice" and am local counsel for  
"Amy" in this action. I make this Declaration in support of their motions for a  
prejudgment writ of attachment of defendant Douglas Lane Probstfeld's ("Defendant's"  
or "Probstfeld's") real property assets, an order for discovery concerning those assets,  
and the use of pseudonyms by each of the plaintiffs.

DECLARATION OF CAROL L. HEPBURN IN  
SUPPORT OF MOTION FOR PREJUDGMENT  
WRITS OF ATTACHMENT - 1

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1           2.     Plaintiffs request for this writ of attachment is not sought to hinder, delay  
2 or defraud any creditor of Defendant.

3           3.     Plaintiffs believe, as explained below, that:

4               (a) Defendant is indebted to Plaintiffs pursuant to 18 U.S.C. § 2252A(f) and §  
5               2255(a), which provide for compensation to Plaintiffs in an amount not less  
6               than \$150,000.00 to each plaintiff, as Plaintiffs are victims of Defendant's  
7               possession of child pornography images; and,

8               (b) One or more of the grounds stated in RCW 6.25.030 for issuance of a writ  
9               of attachment exists and issuance of a writ herein is consistent with the  
10              requirements of Chapter 6.25 RCW.

11  
12                               **I. THE BASIS FOR THE DECLARATION**

13           4. This Declaration is based upon my personal knowledge and the following  
14 documents:

15               (a) Judgment in United States v. Probstfeld (W.D. Wash. 09-cr-5887) a true and  
16 correct copy of which is attached hereto as Exhibit 1;

17               (b) Victim Notices issued by the Department of Justice and received by me on  
18 Vicky's behalf, true and correct copies of which are attached hereto as Exhibit 2;

19               (c) Plaintiff Vicky's Victim Impact Statement ("VIS") and excerpt of her most  
20 recent forensic psychological evaluation by Randall Green, PhD, true and correct  
21 copies of which are attached hereto as Exhibit 3;  
22  
23  
24  
25

1 (d) True and correct copies of the Judgment in United States v. Gregory  
2 Hoffman, United States District Court, District of Nevada, No. 08-cr-00027 and of  
3 communications from Hoffman to Plaintiff Vicky attached hereto as Exhibit 4;

4 (e) A true and correct copy of the Notice provided to Alice by the U.S.  
5 Department of Justice of Alice's involvement as a victim in Defendant Probstfeld's  
6 criminal case attached hereto as Exhibit 5;

7 (f) True and correct copies of Plaintiff Alice's Victim Impact Statement ("VIS")  
8 and excerpt of her forensic psychological evaluation by Randall Green, PhD attached  
9 hereto as Exhibit 6;

10 (g) A true and correct copy of Government Sentencing Memorandum in US v.  
11 Probstfeld (W.D. Wash. 09-CR-05887) attached hereto as Exhibit 7;

12 (h) Documentation concerning residential real property owned by Defendant:  
13 Statutory Warranty Deed, Account Summary from Clark County, Tax Summary from  
14 Clark County and Real Estate Excise Tax Affidavit showing Defendant's ownership  
15 interest in real property at 3065 NE Second Avenue, Camas, WA 98607, true and  
16 correct copies of which are attached hereto as Exhibit 8; and

17 (i) Documentation concerning an apartment complex owned by Defendant:  
18 Statutory Warrant Deed, Property Account Summary from Thurston County  
19 Treasurer's Office, Chain of Ownership from Thurston County Office of the Assessor,  
20 Thurston County Parcel Search from the Assessor's Office, Washington State Dept. of  
21 Revenue State Business Records Database Details, Washington State Corporations  
22 Search for Carpenter Crest, L.L.C., Certificate of Existence/Authorization of Carpenter  
23  
24  
25

1 Crest, L.L.C., Annual Reports of Carpenter Crest, L.L.C. from the State of Washington  
2 Secretary of State and Limited Liability Company Renewal dated May 22, 2014 and  
3 May 14, 2015, and MultiFamily Deed of Trust, Assignment of Rents and Security  
4 Agreement regarding Carpenter Crest L.L.C., Subordination, Non-Disturbance and  
5 Attorney Agreement, true and correct copies of which are attached hereto as Exhibit 9.  
6

## 7 II. FACTS

8 5. I have represented the victim of child pornography known as "Vicky"  
9 since 2008. She has designated me to receive on her behalf notices from the  
10 Department of Justice concerning the various criminal prosecutions, which include  
11 images of her sexual abuse. In that connection, I have received notices on her behalf  
12 advising of her status as a victim in the criminal prosecution of Mr. Probstfeld. One  
13 such notice is attached hereto at Exhibit 3.

14 6. As a part of my representation of Vicky, I have obtained copies of her  
15 Victim Impact Statements as well as forensic evaluations of the injuries she has  
16 suffered as a result of the viewing and distribution of images of her childhood sexual  
17 abuse by consumers of child pornography such as Mr. Probstfeld. The evaluations  
18 done, which produced reports of psychological, vocational, and economic injury as a  
19 result of the viewing and distribution of her images, were submitted to the court in the  
20 criminal prosecution of Mr. Probstfeld and formed the basis of the court's original  
21 award of restitution to Vicky. Attached as Exhibit 2 are copies of an excerpt of the  
22 most recent forensic psychological evaluation of Vicky and her most recent Victim  
23  
24  
25

1 Impact Statement. Vicky made a request for restitution in Defendant's criminal  
2 prosecution and received a payment of \$3,000.00.

3 7. As a part of my representation of Vicky I have also been made aware of  
4 the prosecution and conviction of Gregory Hoffman for online stalking of Vicky. I also  
5 received from Vicky copies of the communications sent to her by Mr. Hoffman who,  
6 posing as a 15 year-old boy, made statements including overtures to her about making  
7 more pornography with her, his name-calling of her because she turned in the person  
8 who abused her originally, and his admission that he searched for her for five years.  
9 Copies of these communications from Hoffman are attached hereto as Exhibit 4 with  
10 the Judgment in United States v. Hoffman, United States District Court, District of  
11 Nevada, No. 08-CR-00027.  
12

13 8. I have represented Alice, the victim of the child pornography series  
14 previously known as the "Christina Series", for approximately one year. I have been  
15 designated by her to receive on her behalf notices from the Department of Justice  
16 concerning the various criminal prosecutions, which include images of her sexual  
17 abuse. Alice has received notice from the Department of Justice of her status as a  
18 victim of Defendant Probstfeld. I have also conducted inquiries with the FBI to obtain  
19 the list of prosecutions involving her images, which occurred prior to my  
20 representation. In that connection, I have received confirmation from the FBI advising  
21 of her status as a victim in the criminal prosecution of Mr. Probstfeld. True and correct  
22 copies are attached hereto as Exhibit 5.  
23  
24  
25

1           9.     As a part of my representation of Alice, I have obtained a copy of her  
2 Victim Impact Statement as well as forensic evaluations of the injuries she has  
3 suffered as a result of the viewing and distribution of images of her childhood sexual  
4 abuse. Attached as Exhibit 6 are copies of an excerpt of the forensic psychological  
5 evaluation of Alice and her Victim Impact Statement. As of the time of Defendant  
6 Probstfeld's criminal prosecution, Alice had not yet documented any of her losses and  
7 she made no request for restitution in that matter.  
8

9           10.    Amy made a request for restitution in Defendant Probstfeld's criminal  
10 prosecution and received a payment of \$3,000.00. (See Exhibit 1).  
11

12           11.    The background of Mr. Probstfeld's crime is set forth in the Government  
13 Sentencing Memorandum which was filed for record in the criminal case against Mr.  
14 Probstfeld and of which a true and correct copy is attached hereto as Exhibit 7.  
15

16           12.    It is Plaintiffs' understanding that Mr. Probstfeld holds an ownership  
17 interest in a single-family residence in Camas, Washington. Clark County lists the  
18 market value of this property as \$475,816.00. Attached as Exhibit 8 hereto is a true  
19 and correct copy of the Clark County Assessment records, the Statutory Warranty  
20 Deed transferring ownership of this property for no consideration from Douglas  
21 Probstfeld, a single man, to Douglas Probstfeld, Trustee of the Douglas Probstfeld  
22 Living Trust. The property is located at 3065 NE 2<sup>nd</sup> Avenue, Camas, Washington  
23 98607-2312 in Clark County, Washington and is legally described as:

24           Abbreviated Legal: SUNSET TERRACE ADDN#1 LOT 1 BLK 5  
25           .50A M/L

1 A potion (*sic*) of the David C. Parker Donation Land Claim, also  
 2 being a portion of Lot 1 of Block 5 of SUNSET TERRACE  
 3 ADDITION as recorded under Book D at Page 102, being a part of  
 4 the Southeast quarter of the Northeast quarter of Section 12,  
 Township 1 North, Range 3 East of the Willamette Meridian, Clark  
 County, Washington, described as follows:

5 BEGINNING at the Southwest corner of Lot 1 of said Block 5, said  
 6 point also being on the North right of way line of NE 2<sup>nd</sup> Avenue;  
 7 thence along said North right of way line South 87°41'00" East  
 8 109.88 feet; thence continuing along said North right of way line  
 9 North 19°35'35" East 14.27 feet; thence continuing along said North  
 10 right of way line North 83°08'49" East 50.10 feet to the TRUE  
 11 POINT OF BEGINNING; said point hereinafter referred to as Point  
 12 "A"; thence North 02°20'50" East 118.33 feet; thence North  
 13 87°39'10" West 33.57 feet; thence North 02°20'50" East 235.72 feet  
 14 to a point on the North line of Lot 1 of said Block 5; thence along  
 15 the North line of said Lot 1 South 76°06'35" East 83.32 feet to the  
 16 Northeast corner of the West 50 feet of said Lot 1; thence along the  
 East line of the West 50 feet of said Lot 1 South 02°20'50" West  
 232.42 feet, more or less, to a point that is 120.00 feet North of the  
 Southeast corner of the West 50 feet of said Lot 1; thence South  
 87°41'00" East 95.88 feet; thence South 02°20'50" West 101.08  
 feet, more or less, to the North right of way line of said N.E. 2<sup>nd</sup>  
 Avenue; thence along said North right of way line North 83°08'49"  
 East 16.91 feet to the TRUE POINT OF BEGINNING and  
 beforementioned Point "A".

17 TOGETHER WITH AND SUBJECT TO a 30 foot easement for  
 18 ingress, egress and utilities having 15 on each side of the following  
 described centerline:

19 BEGINNING at beforementioned Point "A"; thence North 02°20'50"  
 20 East 118.33 feet to the terminus of said 30 foot easement, the  
 21 Southerly sides of said 30 foot easement to be shortened or  
 22 lengthened to terminate on the North right of way line of N.E. 2<sup>nd</sup>  
 Avenue.

23 Subject To: This conveyance is subject to covenants, conditions,  
 24 restrictions and easements, if any, affecting title, which may appear  
 25 in the public record, including those shown on any recorded plat or  
 survey.

1 Situated in County of Clark, State of Washington.

2 Tax Assessor Parcel No.: 091045-896

3 13. Plaintiffs could find no information as to encumbrances on the Camas  
4 residential property.

5 14. No copy of the Probstfeld Living Trust is available to Plaintiffs. Plaintiffs  
6 have no information concerning the terms of the Douglas Probstfeld Living Trust.  
7

8 15. Plaintiffs also believe that Mr. Probstfeld is the sole owner of an  
9 apartment complex known as Carpenter Crest located at 201 Carpenter Road SE,  
10 Lacey, WA 98503. Thurston County public records show that Mr. Probstfeld was the  
11 sole taxpayer on this property until August 22, 2007 when the property was transferred  
12 by Mr. Probstfeld via Statutory Warranty Deed to the Carpenter Crest L.L.C. As  
13 recited on this deed, no consideration was given for this transfer.  
14

15 16. Attached hereto at Exhibit 9 are a true and correct copies of the following  
16 documents regarding Carpenter Crest:

- 17 • August 22, 2007 Statutory Warrant Deed; pp. 000002-03; showing no  
18 consideration paid for transfer;
- 19 • Property Account Summary from Thurston County Treasurer's Office;  
20 pp. 000005-06; showing assessed value;
- 21 • Chain of Ownership from Thurston County Office of the Assessor; p.  
22 000007; showing ownership and market value;
- 23 • Thurston County Parcel Search from the Assessor's Office; pp. 000008 -  
24 010;
- 25 • Washington State Dept. of Revenue State Business Records Database  
Details for February 26, 2015; p. 000011;



- Washington State Corporations Search for Carpenter Crest, L.L.C., November 26, 2014; p. 000012; showing Defendant at his residential address as Registered Agent;
- Certificate of Existence/Authorization of Carpenter Crest, L.L.C., March 18, 2015; p. 000013;
- Annual Report regarding Carpenter Crest, L.L.C signed May 22, 2014; pp. 000014-016; showing Defendant as the Registered Agent and sole “Managing Member” of the Carpenter Crest L.L.C.;
- Annual Report of Carpenter Crest, L.L.C. dated May 14, 2015; pp. 000017-021; showing Defendant as Registered Agent and Managing Member at his home address;
- Multifamily Deed of Trust, Assignment of Rents and Security Agreement recorded July 1, 2008; pp. 000022-060; showing encumbrance of \$4,382,000.00 on the property;
- Assignment of Security Interest dated June 25, 2008; pp. 000061-064; and
- Subordination, Nondisturbance and Attornment Agreement dated June 25, 2008; pp. 000065-070.

17. The address of the Carpenter Crest, L.L.C. listed with the Thurston County Treasurer real property tax records is the Camas residential address owned by Mr. Probstfeld referenced above in paragraph 11. The principal place of business for Carpenter Crest, L.L.C., as listed in its June 10, 2015 Annual Report filed with the Washington State Secretary of State is the Camas residential address owned by Defendant Probstfeld referenced above in paragraph 11.

18. The registered agent and Managing Member of the Carpenter Crest, L.L.C., as listed in its May 22, 2014 and May 14, 2015 Annual Reports filed with the

1 Washington State Secretary of State is Douglas Probstfeld, and his office street  
2 address is the Camas residential address referred to above in paragraph 11.

3 19. The legal description of the Carpenter Crest apartment complex is as  
4 follows:

5 Abbreviated Legal: lot 4 of SS-6041 and Part of SW NW 15-18-1W

6 Located at 201 Carpenter Road SE, Lacey, WA 98503

7  
8 Parcel 4 of Short Subdivision No. SS-6041, recorded June 9, 1978,  
9 under Auditor's File No. 1040552;

10 AND

11 That part of the Southwest quarter of the Northwest quarter of  
12 Section 15, Township 18 North, Range 1 West, W.M., described as  
13 follows: Beginning at a point on the South line of said subdivision,  
14 North 89° 43' 30" East 865.82 feet from its Southwest corner;  
15 running thence North 0° 16' 30" West 209 feet and East to the East  
16 line of said Southwest quarter of the Northwest quarter; thence  
17 South to the Southeast corner of said subdivision; thence West  
18 along said South line to the point of beginning; excepting therefrom  
19 county road known as Carney Road along the East boundary  
20 thereof; also excepting therefrom the South 75 feet of the West 810  
21 feet of the East 350 feet of the Southwest quarter of the Northwest  
22 quarter of Section 15, Township 18 North, Range 1 West, W.M.

23 SUBJECT TO AND TOGETHER WITH all easements,  
24 reservations, restrictions and other matters of public record  
25 including, without limitation, the encumbrances identified in  
Appendix 1 annexed hereto and by reference incorporated herein.

Situated in County of Thurston, State of Washington.

Tax Assessor Parcel No.: 1181-52-30300

Exhibit 9, pp 000002-03.

1           20. Plaintiffs understand that the value of the Carpenter Crest Apartment  
2 Complex as listed by Thurston County is \$5,899,900.00. Exhibit 9, p.000006. An  
3 encumbrance in the form of a Multifamily Deed of Trust, Assignment of Rents and  
4 Security Agreement is recorded against the property to secure a listed debt of  
5 \$4,382,000.00, which matures in July 1, 2018. Exhibit 9, pp. 000022. The 2007 Deed  
6 Appendix lists two additional encumbrances. Plaintiff is not informed as to whether  
7 these encumbrances remain on the property, nor as to whether the debt listed is  
8 current or in default.  
9

10           21. Plaintiffs anticipate that, should this matter be fully litigated, attorneys'  
11 fees and costs could easily exceed \$200,000.00. Documented economic losses for  
12 each of the three plaintiffs at this time are as follows:  
13

14                   Amy: \$3,367,854.00;

15                   Vicky: \$995,080.00; and

16                   Alice: \$257,100.00.

17           Given that the floor of damages pursuant to 18 U.S. C. §2255 is \$150,000.00  
18 for each of the plaintiffs and that the statute provides for shifting of fees and costs,  
19 Plaintiffs' counsel believes that security in excess of \$1 million would be appropriate to  
20 include the residential property, which apparently has no prior encumbrance at the  
21 present time.  
22

23           //

24           //

25           //

1 DATED this 28th day of September, 2015, at Seattle, Washington.

2 CAROL L. HEPBURN, P.S.

3  
4 /Carol L. Hepburn  
5 Carol L. Hepburn  
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11 Of attorneys for Plaintiff  
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DECLARATION OF CAROL L. HEPBURN IN  
SUPPORT OF MOTION FOR PREJUDGMENT  
WRITS OF ATTACHMENT - 12

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